

REMARKS

Please reconsider the present application in view of the following remarks. Claims 1-25 and 52-68 are currently pending. By way of this response, no claim is amended, canceled or added.

Response to Rejection Under 35 USC § 103(a)

In paragraph 4 of the Office Action, the Examiner rejected claims 1-25 and 52-68 under 35 USC § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,960,406 to Rasansky et al. ("Rasansky") in view of Official Notice. This rejection is respectfully traversed.

Independent claim 1 as filed recites, inter alia, the following:

receiving event information input by the user, said event information
... indicative of RSVP fees required to attend said scheduled event;
providing an invitation to said invitee, said invitation indicating said
scheduled event and said RSVP fees, and soliciting a response
to said invitation, wherein an affirmative response to said
invitation requires a payment as defined by said RSVP fees;
....

Thus, claim 1 as filed beneficially recites an event planning process that receives information indicative of RSVP fees required to attend a scheduled event and provides an invitation indicating the scheduled event and the RSVP fees to an invitee. An affirmative response to the invitation requires a payment as defined by the RSVP fees. Independent claims 60 and 68 include limitations similar to claim 1.

The Examiner correctly stated that Rasansky does not teach requiring RSVP fees to attend a scheduled event and an affirmative response to an invitation requires a payment as defined by the RSVP fees. The Examiner took Official Notice that it is old and well known

to require RSVP fees from attendees in order to confirm attendance. See Office Action, page 3.

Applicants respectfully submit that the Examiner has improperly taken Official Notice in rejecting the independent claims. MPEP 2144.03A recites that “It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known.” See MPEP 2144.03A (emphasis in original). Applicants respectfully submit that the above-cited claim limitations are not capable of instant and unquestionable demonstration as being well-known. The claimed invention is not merely requiring RSVP fees to confirm attendance at an event. Rather, the claims recite an event planning process executed by a server system on a computer network (quoting claim 1) that provides invitations and solicits responses including the fees, and a similar computer program product. Such processes and products were not capable of instant and unquestionable demonstration as being well known prior to the priority date of the present application. The relevant time period occurred more than 7 years ago, and one cannot simply step back in time and assert that these aspects of the claimed invention are well-known without documentary support.

Therefore, Applicants respectfully challenge the rejection in accordance with MPEP 2144.03C. MPEP 2144.03C recites that “If applicant challenges a factual assertion as not properly officially noticed or not properly based upon common knowledge, the Examiner must support the findings with adequate evidence.” If the Examiner maintains the rejection in view of Official Notice, Applicants respectfully request that the Examiner support the rejection with adequate documentary evidence. If the Examiner is relying on personal

knowledge to support the finding of what is known in the art, Applicants request that the Examiner provide an affidavit or declaration setting forth specific factual statements and explanation to support the findings, as required by MPEP 2144.03C.

Similarly, Applicants respectfully submit that the Official Notices taken in rejecting claims 6, 8, 10, 14-16, 18-19 and 64 are also improper and challenge these rejections. The Examiner took Official Notice that “it is old and well known in the communication arts to have included a post card with the invitation including a universal resource locator for accessing the invitation web page via the network” in rejecting claims 6 and 10. See Office Action, page 4. The Examiner took Official Notice that “providing a plurality of invitation template each associated with the different event would allow customization of the different events” in rejecting claim 8. See Office Action, page 5. The Examiner took Official Notice that “it is old and well known for the host of the invitation to specify the rules of the invitations” in rejecting claims 14-16. See Office Action, page 5. The Examiner took Official Notice that “it is old and well known in marketing to determine if the proceeds or profits of sales should be paid to the administrators or passed on to the customers passing the convenience fees/profits to the customers would motivate/increase customer's loyalty” in rejecting claims 18 and 19. See Office Action, page 6. The Examiner took Official Notice that “it is old and well known to provide discounts to members for their patronage.” in rejecting claim 64. See Office Action, page 3. Applicants respectfully submit that the above Official Notices are improper under MPEP 2144.03A and challenge the rejections under MPEP 2144.03C.

In addition, the Examiner rejected claims 24 and 64 without indicating how the claim limitations are taught or suggested in prior art references. The Examiner “bears the initial

burden of factually supporting any *prima facie* conclusion of obviousness.” See MPEP 2142. In order to establish a *prima facie* case of obviousness, “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” See MPEP 2142. Therefore, Applicants respectfully submit that these rejections are improper and request their withdrawal.

In view of the above, Applicants respectfully submit that the independent claims 1, 60 and 68 are patentably distinguishable over the cited reference. The dependent claims not specifically mentioned above are allowable for at least the same reasons. Accordingly, Applicants respectfully request that the Examiner reconsider the § 103 rejections and withdraw them.

Applicants respectfully submit that the pending claims are allowable over the cited references, and request that the application be passed to issue. The Examiner is invited to contact the undersigned by telephone to advance the prosecution of this application.

Respectfully Submitted,
JUSTIN T. NGUYEN ET AL.

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